

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AVGRAPHICS, INC., JEAN PIERRE	:	
AZOULAY and DARIA MCDERMOTT,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	
NYSE GROUP, INC.,	:	07 CIV 8430 (DLC)
(successor in interest to New York	:	(ECF CASE)
Stock Exchange, Inc.) JOHN GREGORETTI,	:	
TONY VALENTY, SAM COCOZZA	:	NOTICE OF MOTION
MARGARET DeB. TUTWILER, JOHN	:	
THAIN, individually and as employees of	:	
NYSE GROUP, INC., ANTHONY E.	:	
WILSON, a/k/a TONY WILSON,	:	
DANA GREGORETTI, and	:	
E-TRADE SECURITIES, LLC,	:	
	:	
Defendants.	:	
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PLEASE TAKE NOTICE that upon the First Amended Complaint (“FAC”) in the above-captioned action and the accompanying Memorandum of Law in support of this motion, Defendant E*TRADE Securities LLC (“E*TRADE”), by its undersigned counsel, will move this Court before the Honorable Denise L. Cote, United States District Judge at the United States Courthouse, 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, for an Order granting E*TRADE’s motion to dismiss the complaint in the above-captioned action with prejudice, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, and for such other and further relief as the Court may deem just and proper.

Dated: February 26, 2008

Respectfully submitted,

COOLEY GODWARD KRONISH LLP

By: /s/ Douglas P. Lobel

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